IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO.677/2006 IN WRIT PETITION NO.2928/2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : D.D.SINHA AND
R.C. CHAVAN, JJ.

DATED : SEPTEMBER 12, 2006

Heard Shri Deshpande, learned Counsel for the applicant.

The present application is for review of order dated 19.6.2006 passed by this Court whereby Writ Petition No. 2928/2006 came to be dismissed and order of the Caste Scrutiny Committee was confirmed.

Shri Deshpande, learned Counsel for the applicant, states that the applicant in fact had submitted many documents in support of his caste claim before the Caste Scrutiny Committee, apart from the

documents of his cousin grandfather Anandrao and father Murlidhar. However, the Caste Scrutiny Committee has not given reasons why it has ignored those documents and in absence of reasons, the order of the Caste Scrutiny Committee cannot be sustained in law merely because the documents pertaining to cousin grandfather and father of the applicant show caste "Gowari Hindu".

It is further contended by the learned Counsel for the applicant that while applying affinity test, statement dated 29.8.2005 of Shripat Asaram Sahare was relied on by the Caste Scrutiny Committee, however, Shripat Asharam Sahare is not related to the applicant and, therefore, his statement could not have been relied on for considering cultural traits, etc. It is submitted that so far as issue regarding protection of service of the applicant in view of Government Resolution/Circular/ decision of the Supreme Court is concerned, the said issue may be kept open.

We have considered the contentions canvassed by the learned Counsel for the applicant and perused the impugned order. At the outset, we want to express that review jurisdiction of this Court is extremely limited and can be exercised only if this Court failed to take into consideration the contentions canvassed by the respective Counsel for the parties or this Court failed to record findings thereon or inadvertently did not consider certain issues, which were specifically raised in the petition and argued before the Court. In the instant case, none of such contingencies exist and, therefore, it is difficult to show any indulgence in the present review application. Even otherwise, perusal of the impugned order demonstrates that order of the Caste Scrutiny Committee came to be confirmed since the document of Anandrao, cousin grandfather of the applicant, which is of the year 1942 and the document of his father Murlidhar, which is of the year 1950, clearly show that both of them belong to caste “Gowari Hindu”. In that view of the matter,

the order of the Caste Scrutiny Committee invalidating caste claim of the applicant as belonging to “Gond Gowari” was held to be valid. In the circumstances, no case is made out for showing indulgence. Needless to mention that so far as issue regarding protection of service of the applicant is concerned, no adjudication had taken place before this Court. In that view of the matter, the said issue is kept open. The review application is dismissed.

JUDGE JUDGE

khj